

Remarks

Entry of the amendment is respectfully requested. No new matter has been added.
Reconsideration is respectfully requested.

Claim Status

In the Action, claims 1-38 are pending. Claims 9-33 and 35-38 are allowed. Claims 8 and 34 stand objected to as being dependent upon a rejected base claim. The Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 stands rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,042,001 to Siler et al. (Siler).

Claims 2-7 stand rejected under 35 USC § 103(a) as being unpatentable over Siler and further in view of U.S. Patent No. 4,186,977 to Gilovich et al. (Gilovich).

The Claim Amendments

Claims 1-7 have been cancelled from the application without prejudice.

Claims 8 and 34 have each been amended to independent form, incorporating the subject matter of the respective base claim and intervening claims.

New claims 39-47 have been added to the subject application. Support for claims 39-47 is provided in the original specification at pages 77-85, *inter alia*.

Claims 39-47 each include features deemed allowable by the Examiner over the cited references. For example, independent claim 39 recites, “a member in operative connection with

the lock...wherein movement of the member by the projection causes the cover to be held in the closed position through operation of the lock when the cover next moves to the closed position. Independent claim 42 recites, “at least one movable portion in supporting connection with the body and bounding at least one track within the storage area, wherein moving the at least one movable portion enables separating the cover from at least one of the tracks whereby a replacement cover may be installed.”

35 U.S.C. § 103 Rejections: The Applicable Legal Standards

The Office has the responsibility to present a *prima facie* case of obviousness under 35 U.S.C. § 103. An Applicant is entitled to a patent if the Office fails to establish a *prima facie* case of obviousness. *In re Oetiker*, 24 U.S.P.Q. 2d 1443 9Fed. Cir. 1992). In determining obviousness under 35 U.S.C. § 103, the invention must be considered “as a whole.”

Any modification of the cited reference in order to arrive at Applicant’s invention must be motivated by the cited art. *In re Deminski*, 230 U.S.P.Q. 313 (Fed. Cir. 1986). Applicant’s own disclosure may not serve as a template to piece together the teachings of the prior art to render the claimed invention obvious. *In re Fitch*, 23 U.S.P.Q. 2d 1780 (Fed. Cir. 1992). There must be a reason or suggestion in the prior art for selecting the claimed procedure, other than knowledge learned from Applicant’s disclosure. *In re Dow Chemical*, 5 U.S.P.Q. 2d 1529 (Fed. Cir. 1988). Further, the motivation for modifying a reference cannot be found if the reference actually “teaches away” from the claimed invention. *In re Gurley*, 31 U.S.P.Q. 2d 130 (Fed. Cir. 1994).

Claim 1

Claim 1 stands rejected rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,042,001 to Siler et al. (Siler). Claim 1 has been cancelled from the subject application without prejudice.

Claims 2-7

Claims 2-7 stand rejected under 35 USC § 103(a) as being unpatentable over Siler and further in view of U.S. Patent No. 4,186,977 to Gilovich et al. (Gilovich).

Although Applicants maintain that the proposed combination of references is improper, as set forth in Applicants' Response to the first Office Action, in the interest of moving the application toward allowance, the rejected claims have been cancelled from the subject application without prejudice. Applicants reserve the right to pursue patent coverage for the rejected claims in a related application.

Claim Fees

Please charge fees for two (2) additional independent claims (in excess of three) at \$200 each, and fees for nine (9) additional claims at \$50 each for a total of \$850 to Deposit Account No. 09-0428 (Interbold).

Conclusion

Each of Applicants' claims have been shown to be allowable over the cited references. Thus, it is believed that the application is in condition for allowance. The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



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